



Election Signs Council Policy

Council Policy Objective

This Election Signs Policy (Policy) governs how election signs may be displayed on land owned and managed by the City of Nedlands (City) during Federal, State, Local Government elections and Referendums. The Policy establishes a clear framework regulating how, where and for what period of time an election sign may be displayed to minimise health and safety hazards.

Council Policy Scope

This Policy applies to political parties and candidates promoting a party or individuals participating in Federal, State, Local Government elections and Referendums.

Council Policy Statement

The City recognises the decisions of the High Court of Australia and the Supreme Court of Western Australia which protect the display of electoral advertising that is appropriate exercise of free political communication.

The City allows flexibility in relation to election signage and activities. Provided the provisions of this policy are met, election signage does not need approval from City.

Definitions

Carriageway means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles.

City land means all land held in fee simple or under the care, control or management of the City and includes road reserves.

Election day means the date of voting or polling for a Federal, State or local government election or Referendum.

Election period means the period commencing on the day of issue of the writ for the election and ending two (2) days after that election day.

Election sign means anything which presents a visual message and which advertises any aspect of a forthcoming elections for Federal, State, Local Government or Referendums and may include promoting a registered candidate or political party complying with the requirements of the *Electoral Act 1907*.



Footpath means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians

Private land means land within the boundaries of the City that is not City Land.

Sign includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols.

Thoroughfare means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

Policy

1. Election signs on City Land

- (a) The City's Local Law Relating to Thoroughfares (Local Law) generally requires a permit for signs on or within City Land.
- (b) Subject to the terms of this Policy, a permit for election signs to be displayed on City land will not be required under the Local Law where the sign is:
 - (i) only displayed during the election period and removed within two (2) days after that election day;
 - (ii) free standing and not affixed to any existing tree, sign, post, power or light pole, or similar structure;
 - (iii) at least 1.5 metres from the edge of the carriageway and 0.5 metres from the footpath;
 - (iv) erected at least 10 metres from any intersection of thoroughfares;
 - (v) not closer than 50 metres to a signalised intersection or before any speed indicator sign;
 - (vi) not placed on a median strip, roundabout or other traffic control device;
 - (vii) not placed within an intersection;
 - (viii) not placed within 50m of a pedestrian crossing;
 - (ix) not located in, or within 50 metres of, a 40kph school zone;



- (x) not placed so as to obstruct or impede:
 - (a) a footpath, thoroughfare or carriageway;
 - (b) the reasonable and/or safe use of City Land; or
 - (c) access to a place by any person;
- (xi) placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing; and
- (xii) not placed within 100 metres of any works on the City Land;
- (xiii) maintained in good condition;
- (xiv) securely installed;
- (xv) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message; and
- (xvi) not located in a position which would suggest that the sign has the endorsement of the City, including on premises leased from the City by third parties.

2. Dimensions, materials and content of election signs

All election signs must not:

- (a) be more than 1.5 square metres in area and no higher than 1.2 metres from the top of the sign to the natural ground level;
- (b) be illuminated (externally or internally), move, flash, be reflective, be fluorescent, rotate or otherwise cause a distraction to road users;
- (c) be self-adhesive;
- (d) advertise any organisation or person other than a political party or a registered candidate; or
- (e) use the City's logo or crest.



3. No election signs on City parks, reserves or City facilities

- (a) To ensure the safe use of City parks and reserves, election signs are not permitted to be placed on or within any City parks and/or reserves.
- (b) To reduce the risk that election signs on City facilities or City land are interpreted as having the endorsement of the City, election signs are not permitted on or adjacent to municipal buildings and leased facilities, including but not limited to Nedlands Library, Mt Claremont Library, Nedlands Community Care, Tresillian, Point Resolution Child Care, Depot, and the Administration Building.
- (c) Paragraph 4(b) does not apply to any City Land or facility that is used as a polling place on an election day where election signs may be displayed in accordance with the requirements of Section 340 of the *Commonwealth Electoral Act 1918* and Section 192 of the *Electoral Act 1907*.

4. Enforcement

- (a) Where a sign breaches this Policy, the Local Law or any other relevant law, or poses a health or safety hazard, the City will exercise its powers to ensure compliance and/or remove any health and safety hazard as appropriate.
- (b) Placement of election signs on a verge is permitted with the consent of adjacent the landowner or occupier. The City will intervene if the sign is placed without consent and/or the sign poses an immediate health or safety hazard only.
- (c) In exercising its power under clause 5(a), the City will adopt the following approach:
 - (i) where election signs are:
 - (a) displayed in a City park, reserve or on or adjacent to City municipal buildings;
 - (b) displayed on City Land and is not free standing (i.e. it is affixed to an existing tree, sign, post, power or light pole, or similar structure on City Land);
 - (c) displayed on the verge without the consent of the adjacent landowner or occupier; or
 - (d) poses a health or safety hazard in the opinion of an authorised officer,



an authorised officer may immediately remove and impound the election sign or issue an infringement notice for failure to obtain a permit in accordance with the local law.

- (ii) notwithstanding paragraph 4(b)(i), an authorised officer may remove and impound an election sign that is not in compliance with this Policy in response to a legitimate complaint (as determined by the City at its absolute discretion), subject to advising the candidate that the sign has been removed and impounded;
- (iii) the following process will apply to the removal and impounding of signs:
 - i. the candidate will be notified that the sign has been removed and impounded and will be held by the City for 48 hours during which time will be available for collection; and
 - ii. if the sign is not collected within the 48 hours, the sign may be destroyed by the City.
- (d) Signs must comply with the requirements of the *Local Government Act 1995* and *Electoral Act 1907* in regard to electoral material and ensure that the name and address of the person authorising the sign, and where relevant the name of the printer, appear at the foot or end of the sign. Similar provisions apply in relation to State and Federal elections. The City will refer any breaches of this requirement to the relevant Returning Officer.
- (e) Some thoroughfares within the district of the City are controlled by Main Roads Western Australia (MRWA) under the *Main Roads (Control of Advertising) Regulations 1996*. MRWA should be contacted before erecting a sign on a main road.

5. Election promotion

- (a) The Australian Electoral Commission and/or the Western Australian Electoral Commission may promote an election by displaying a sign on the City Land without a permit.
 - (b) This Policy does not apply to the City promoting an election by displaying a sign on City land.
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Related documentation

Local Planning Policy – Signage and Advertisements

Related local Law and Legislation

Local Law relating to Thoroughfares 2000

Local Government Act 1995

Electoral Act 1907

Referendums Act 1983

Main Roads (Control of Advertising) Regulations 1996

Commonwealth Electoral Act 1918

Referendum (Machinery Provisions) Act 1984

Related delegation

Nil.

Review History

Adopted by Council 25 October 2022